IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 238/2005
(Bhanwar Lal Vs. State of Rajasthan & Anr.)

Date of Order : 27/11/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

Mr. Niranjan Singh submits that the petitioner has taken the file from the counsel appearing for the petitioner earlier and therefore, he has no instructions to argue the matter.

No one appears for the petitioner. Perused the memo of petition under Section 482 Cr.P.C. as also the order dated 2.2.2005 passed by Special Judge, NDPS Act Cases, Chittorgarh (for short 'the trial court' hereinafter).

It appears that the Truck No.RJ 19-G.6315 was seized by the police on 22.6.2004 while it was found transporting huge quantity of poppy straw weighing 2652 kg. in 64 bags. The petitioner came with a plea that the said truck was sold to Bhakar Ram on 19.6.2004 prior to the date of occurrence. Thus,

according to the petitioner, on the relevant date, the petitioner was not the owner of the truck and as such he has no right to possess the vehicle after having been sold to Bhakar Ram. Bhakar Ram appears to be accused in the case punishable under Sections 8/15, 8/29 of the NDPS Act. Keeping in view the fact that on the relevant date, according to the petitioner, the petitioner was not the owner of the truck in question as he has already sold the same to Bhakar Ram, in my view, the trial court was justified in dismissing the application seeking interim custody of the truck in question during the pendency of the case.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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